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REMARKS

Claims 1-51 were pending in the present case. Claims 41-51 are canceled herein. Claims 1, 2, 32, 35, 37, 38, 39 and 40 are amended herein. The amended claims do not add new matter.

1. Claims 1-51 are rejected under 35 U.S.C. §112, first paragraph, because the specification while being enabling for a compound of formula (I) or an acid addition salt thereof, does not reasonably provide enablement for a hydrate, solvate or clathrates of a compound of formula (I).

Claims 1, 32 and 40 have been amended to delete the phrase "hydrates, solvates, clathrates" and to thereby limit the claims to subject matter the Office Action indicated was enabled.

2. Claims 32-39 are rejected under 35 U.S.C. §112, first paragraph, while enabling for a method of treating an HIV-1 infection in a host, does not reasonably provide enablement for treating or preventing an HIV infection in a host or treating AIDS or ARC generally.

Claim 32 was amended to delete [[HIV infection, or preventing an HIV infection, or treating AIDS or ARC,]] and to insert HIV-1 infection. Claims 35, 38 and 39 were amended to delete [[HIV]] and to insert HIV-1. Claim 37 was amended to specify an HIV-1 reverse transcriptase.

The Office Action notes (page 7) that the specification is enabling for a method of treating an HIV-1 infection in a host and the amended method claims are limited to a method of treating HIV-1. Support and enablement for the amendment can be found in example 45 on page 150. The amended claims no longer refer to preventing an HIV-1 infection. Withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

3. Claims 1-51 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as an invention.

The recitation that "A compound...and hydrates, solvates, clathrates and acid addition salts thereof" was objected to as unclear.

Independent claims 1, 31 and 40 have been amended delete "hydrates, solvates, clathrates" and limit the claims to the claimed compounds "or an acid addition salt thereof".

4. Claims 41 and 47 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 41-51 have been canceled rendering moot the rejection of those claims under 35 U.S.C. § 112, second paragraph.

5. Claims 1, 2 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Chintakunta *et al.* (*Eur. J. Med.Chem.* 2002). The instant claims read on references disclose compounds, see compound 6 in page 341 of the reference.

Claims 1 and 2 have been amended to recite C₂₋₆ alkyl instead of [[C₁₋₆ alkyl]] in the definition of R⁵ which excludes compound 6 in the cited reference. The claims only read on compound 6, which was a synthetic intermediate in the cited paper and no biological activity was reported for the compound nor was the activity

of the compounds disclosed in the paper related to HIV reverse transcriptase. Withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

5. Claims 41-51 are rejected under 35 U.S.C. §103(a) as unpatentable over Chintakunta et al. (Eur. J. Med. Chem. 2002).

Claims 41-51 have been canceled which renders moot the rejection under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe that all claims pending in the above-identified case are now in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone or email the undersigned. Contact information is provided below.

No fees should be due. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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